

## REMARKS

In accordance with the foregoing, claim 18 has been amended. Accordingly, claims 1-21 are pending and under consideration.

### Request for Initialed and Signed Attachment 1(g)

An Information Disclosure Statement with an Attachment 1(g) and a copy of an English translation of an Office Action issued by the Korean Patent Office on April 12, 2005 of corresponding Korean application 10-2002-0073042 was filed on July 12, 2005. Applicant respectfully requests an initialed and signed copy of the Attachment 1(g) confirming consideration of the Office Action issued from the Korean Patent Office on April 12, 2005.

### Rejection of Claim 18 Under 35 U.S.C. §112, second paragraph

The Office Action rejects claim 18 under 35 U.S.C. §112, second paragraph as being indefinite. Applicant amends claim 18 as suggested by the Examiner to obviate this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

### Rejection of Claims 1-21 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,822,936 issued to Ono et al. (hereinafter referred to as "Ono") in view of U.S. Patent 6,501,712 issued to Masuda et al. (hereinafter referred to as "Masuda"). This rejection is respectfully traversed.

Ono and Masuda, taken separately or in combination, do not disclose, teach, or suggest at least, "detecting a time corresponding to a distance from a surface of the disc to a data recording layer of the disc using light reflected during a focusing operation; and discriminating the type of disc by comparing the detected time and a reference value," as recited in claim 1.

Ono discloses an apparatus and a method for measuring the amplitude of a push-pull tracking error signal in a state in which servo control is executed based on a focus error signal and comparing the amplitude of the push-pull tracking error signal and a predetermined value.

Masuda discloses a method and a device for irradiating a long wavelength laser light on the disc while the rotation of the disc is suspended and irradiating a short wavelength laser light on the disc when the disc is rotating.

However, neither Ono nor Masuda discloses detecting a time corresponding to a distance from a surface of the disc to a data recording layer of the disc using light reflected during a focusing operation and comparing the detected time and a reference value to discriminate the type of disc.

Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claims 2-6 depend from claim 1 and include all of the features of claim 1. Therefore, for at least these reasons, claims 2-6 are also patentably distinguishable from the cited references.

Similarly, Ono and Masuda, taken separately or in combination, do not disclose, teach, or suggest at least, "discriminating the type of disc according to a result of detecting a time corresponding to a distance from a surface of the disc to a data recording layer of the disc using a light reflected during the focusing operation on the disc," as recited in claim 7. Therefore, for at least these reasons, claim 7 is patentably distinguishable from the cited references.

Claims 8-12 depend from claim 7 and include all of the features of claim 7. Therefore, for at least these reasons, claims 8-12 are also patentably distinguishable from the cited references.

Similarly, Ono and Masuda, taken separately or in combination, do not disclose, teach, or suggest at least, "a system controller discriminating the type of the disc while the focusing operation is performed and an operation of the motor is stopped, according to a result of detecting a time corresponding to a distance from a surface of the disc to a data recording layer of the disc using the electrical signals and the FE signal," as recited in claim 13. Therefore, for at least these reasons, claim 13 is patentably distinguishable from the cited references.

Claims 14-18 depend from claim 13 and include all of the features of claim 13. Therefore, for at least these reasons, claims 14-18 are also patentably distinguishable from the cited references.

Similarly, Ono and Masuda, taken separately or in combination, do not disclose, teach, or suggest at least, "detecting a time corresponding to a distance from a surface of the disc to a data recording layer of the disc using an amount of light reflected on the disc and an FE signal; and comparing the time with a reference value," as recited in claim 19. Therefore, for at least these reasons, claim 19 is patentably distinguishable from the cited references.

Similarly, Ono and Masuda, taken separately or in combination, do not disclose, teach, or suggest at least, "discriminating the type of the disc while the focusing operation is performed

and an operation of the motor is stopped, according to a result of detecting a time corresponding to a distance from a surface of the disc to a data recording layer of the disc using the electrical signals and the FE signal," as recited in claim 20. Therefore, for at least these reasons, claim 20 is patentably distinguishable over the cited references.

Claim 21 depends from claim 20 and includes all of the features of claim 20. Therefore, for at least these reasons, claim 20 is also patentably distinguishable from the cited references.

Summary

Claims 1-21 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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By:

Paul F. Daebeler

Paul F. Daebeler  
Registration No. 35,852

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501